

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/788,616
Filing Date: February 27, 2004
Applicant: Donald B. Farr
Group Art Unit: 2419
Examiner: Jae Young Lee
Title: PROXY GUARDIAN AGENT
Attorney Docket: 7784-000973/US

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

**PETITION TO EXPUNGE INFORMATION SUBMITTED IN
INCORRECT APPLICATION AND REQUEST FOR REFUND
OF ERRONEOUSLY PAID FEES**

Sir:

Applicant hereby petitions under the provisions of 37 C.F.R. § 1.59(a) to remove information improperly submitted in an incorrect application and hereby authorizes the Office to charge our Deposit Account No. 08-0750 the required fee as set forth in 37 C.F.R. § 1.17(g) for such petition. Applicant further hereby requests a refund for payment of the Request for Continued Examination fee in the amount of \$810.00 paid at the time of the erroneous filing. In support of Applicant's requests, Applicant states the following:

On October 6, 2009, Applicant submitted a Request for Continued Examination (RCE) and Amendment in the EFS for the present application, which were improperly filed. More specifically, the RCE and Amendment were for U.S. Serial Number 10/881,245. Applicant notes that the RCE and Amendment were refiled in the EFS for U.S. Serial Number is 10/881,245. A copy of our initial letter regarding materials improperly filed in this present application and request for the Office to remove same from file also filed on October 6, 2009 is attached hereto evidencing earlier efforts to have these improperly filed documents removed from this application record.

Accordingly, the undersigned attorney respectfully requests that the RCE and amendment be removed from the EFS for the present application, and a refund for payment of the erroneously filed RCE fee in the amount of \$810.00 be credited to our Deposit Account 08-0750.

Respectfully submitted,

Dated: Nov 5, 2009

By: 
Mark D. Elchuk, Reg. No. 33,686

HARNESS, DICKEY & PIERCE, P.L.C.
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COPY

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**LETTER REGARDING MATERIALS IMPROPERLY FILED IN APPLICATION &
REQUEST FOR OFFICE TO REMOVE SAME FROM FILE**

Sir:

The Request for Continued Examination (RCE) and amendment were filed today in the EFS for the present application were improperly filed. More specifically, the RCE and amendment were for U.S. Serial Number is 10/881,245.

The undersigned attorney notes that the RCE and amendment were refilled in the EFS for U.S. Serial Number is 10/881,245. Accordingly, the undersigned attorney respectfully requests that the RCE and amendment be removed from the EFS for the present application.

If you have questions regarding this submission, please feel free to contact the undersigned counsel.

Respectfully submitted,

Dated: October 6, 2009

/ Michael D. Zalobsky /
By: _____

Michael D. Zalobsky
Reg. No. 45,512
For Mark D. Elchuk
Reg. No. 33,686

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